

# **SYRACUSE CITY COURT DOMESTIC VIOLENCE COURT PLANNING DOCUMENT**

## **I. Introduction**

In 2003, Syracuse City Court received federal funding for the planning and implementation of a dedicated Domestic Violence Court (herein referred to as “DV Court”). It is anticipated that the DV Court will be operational by June 21, 2004. The goal of this document is to identify policies and protocols for the DV Court to identify, document, assess, and respond to domestic violence. These procedures have been developed in conjunction with local domestic violence service providers and representatives of agencies that regularly appear before or provide services to the Court. It is intended that the policies and protocols in this document will:

- Identify the objectives of the Court;
- Describe mechanisms to be implemented in order to increase victim safety;
- Identify the eligible cases to be referred to the Court;
- Identify the responsibilities of the staff assigned to the Court;
- Establish a physical space plan for the Court;
- Establish procedures for the screening and transfer of eligible cases into the Court;
- Establish expectations for the handling and disposition of such cases;
- Establish protocols for the use of available technology in maintaining information;
- Provide mechanisms by which feedback may be obtained; and
- Identify issues of concern to members of the community.

## **II. Goals and Objectives**

The DV Court seeks to ensure that misdemeanor domestic violence cases in the City of Syracuse are treated in an efficient and consistent manner. In order to accomplish this overriding goal, the Court seeks to promote the following objectives:

- Safety for complainants, along with access to counseling and other social services, and access to information regarding court dispositions and conditions imposed on defendants;
- Enhanced accountability both for offenders and for agencies responsible for defendant programs, defendant monitoring and victim advocacy.
- Immediate, certain and consistent response to domestic violence crimes, such as requiring offenders to attend batterers' intervention programs, imposing sanctions, including jail time, when appropriate;
- Intensive monitoring and continuous judicial supervision of defendants' compliance with orders of protection;
- Ongoing evaluation of the court process and effectiveness through monitoring of outcomes, partner feedback and victim contacts; and
- Coordinated response by social service and criminal justice agencies and increased information sharing between the court and the community.

With these objectives in mind, the DV Court will remain sensitive to the rights of those accused, including the presumption of innocence and due process requirements. The court will, as always, take precautions to ensure that the rights of all parties are protected.

### **III. DV Court Planning Team**

The DV Court seeks to include all organizations, agencies, government partners and outside interest groups that are normally represented or interested in criminal cases, as well as issues of domestic violence. The planning team is comprised of representatives from Syracuse City Court, the Onondaga County Integrated Domestic Violence Court, the Onondaga County District Attorney's Office, the Onondaga County Assigned Counsel Program, Vera House, Inc. (Outreach and Advocacy and Alternatives Programs), the Onondaga County Probation Department, the Syracuse Police Department, the Onondaga County Sheriff's Department, the Onondaga County Executive's Office, the New York State Office of Court Administration, and the Center for Court Innovation. It is expected that the members of the planning team will work in conjunction with each other in order for the DV Court to be effective. Attached is a copy of the DV Court's "Information Matrix", a chart that shows the anticipated flow of information between agencies during the pendency of a typical domestic violence case.

Vera House, Inc. is a not-for-profit human service agency that works collaboratively with other victim service agencies and partners with the criminal justice system to offer safety to

victims of domestic violence and hold perpetrators of abuse accountable for their behavior. Vera House provides services for victims of domestic violence, including crisis intervention, short-term counseling, support group, systems advocacy, domestic violence education, a 24-hour support/crisis line, and petition advocacy in Family Court. Vera House also provides domestic violence education for perpetrators in the form of the Domestic Violence Impact Program and the Alternatives to Domestic Violence Program. These programs are designed to challenge the beliefs and attitudes of men who have been abusive to their domestic partners.

The other members of the team will all play important roles in the ultimate success of DV Court as well. The police agencies within the county are responsible for responding to crime scenes, collecting evidence, obtaining statements from witnesses, and arresting perpetrators. The Assigned Counsel Program provides eligible low-income defendants with legal representation. The District Attorney's Office is responsible for the prosecution of criminal cases in Onondaga County, and provides assistance to victims of domestic violence while the cases are pending in court. The Probation Department prepares pre-sentence recommendations for the court, refers defendants for services, and supervises those defendants who receive a probationary sentence.

In order for the DV Court to develop effective policies, protocols and programs, and to have the ability to implement them effectively, those working in conjunction with the court must have accurate, state-of-the-art information about domestic violence. Continued training should prepare staff to assess for domestic violence, assist identified victims in safety planning, make appropriate referrals, and prepare individualized responses based on the unique qualities of each situation involving allegations of domestic violence. Consequently, the members of the DV Court planning team will seek to continually educate and update staff and partners by seeking training regarding domestic violence issues. Wherever possible, training should be multi-disciplinary and should be developed in consultation with local domestic violence service providers. By sponsoring and encouraging continued training, the court seeks to accomplish two objectives - to provide ongoing support and reinforcement on domestic violence issues to court personnel and partners, as well as highlighting the court's commitment to handling domestic violence cases in an educated, serious, and consistent manner.

Members of the DV Court planning team should also remain available to meet with the court and its constituents to gather input and discuss issues of concern. Partnerships with members of the planning team and other interested parties are invaluable in ensuring a regular forum for feedback and input on the effectiveness of the court.

#### **IV. Case Identification and Screening**

In its initial phase, the DV Court will accept only misdemeanor cases involving allegations of domestic violence between domestic partners (persons who have children in common, are living together or have lived together, or are in a dating relationship). In order to

be eligible for DV Court, the case must involve allegations of an act that has resulted in actual physical or emotional injury or has created a substantial risk of physical or emotional harm to a domestic partner.

Due to the number of anticipated cases, the DV Court initially will not accept violation-level cases involving domestic violence, but may elect to accept such cases in the future. It is also anticipated that at some point in the future, the DV Court may begin accepting lower level felony domestic violence cases (such as Criminal Contempt in the First Degree, a class “E” felony). The DV Court will have jurisdiction over felony cases if the assigned judge is designated as an Acting County Court Judge.

Ideally, the judge assigned to the DV Court would preside over all aspects of a case involving domestic violence, from arraignment through disposition. This is not feasible, however, as Syracuse City Court judges are assigned to conduct arraignments on a rotating basis.

Therefore, regardless of which judge is presiding over arraignments, the following protocols should be utilized each morning:

1. Prior to court, the District Attorney’s Office will review all new cases to be arraigned and fill out the “DA O/P Request Form” (copy attached). For each case where the District Attorney’s office requests an order of protection, the appropriate Assistant District Attorney will note the name of the defendant, the case number, the defendant’s date of birth, name of the complainant, the complainant’s telephone number, the type of order of protection requested (family or non-family), and whether the case will be eligible for DV Court. Determining whether a case is eligible for DV Court involves a review of multiple documents and information from multiple sources. These sources include Domestic Incident Reports prepared by the investigating police department, supporting depositions from arresting officers, information on arrest reports, and statements from witnesses and/or alleged victims. Once the “DA O/P Request Form” is completed each morning, it will then be provided to the appropriate court staff member in charge of preparing orders of protection.
2. For each case referred by the District Attorney’s Office to DV Court, the appropriate staff member will place a blue dot on the file in order to indicate that the referral has taken place. In addition, in each case where an order of protection has been requested, court staff will prepare a temporary order of protection, directing the defendant to have no contact with the complainant(s). Although the District Attorney’s Office must request an order of protection in court before it may be issued, if court staff prepare orders in advance this will ensure that when the request is made the orders will be physically served on defendants in the courtroom.
3. As each case eligible for DV Court is arraigned, court support staff will update the above-referenced list with appropriate information regarding bail and

orders of protection issued by the court. A copy of the completed list will be then be furnished to complainant advocates each morning (*see* Point IX, *infra*).

4. The DV Court Coordinator (or backup staff member) will be available to appear in court each morning to answer any questions that the arraignment judge may have.
5. The judge will advise each defendant of the nature of the order of protection in court, and the defendant will be physically served with the order.
6. The judge will also act in accordance with 18 USC §922, as well as the mandate of CPL §530.14[1][b]: when the court finds that there is a “substantial risk” that the defendant may use or threaten to use a firearm unlawfully against a complainant for whom an order of protection has been issued, the court may suspend a defendant’s firearm license and order immediate surrender of all firearms owned or possessed. Defendants who are required to relinquish firearms will relinquish them to the arresting law enforcement agency, who will be responsible for storing the weapons until the conclusion of the case.
7. All cases referred to DV Court will be placed on the DV Court calendar for an initial pretrial conference on the following Tuesday afternoon. At the initial pretrial conference, the judge will, among other things, review a defendant’s bail status and consider modifications to the order of protection. If after further review the case is not suitable for DV Court, it will be transferred back to the calendar of the arraigning judge.
8. The DV Court will follow the “one defendant, one judge” model. When cases are referred to DV Court, the appropriate court staff member will also determine if the defendant has other cases pending in Syracuse City Court. If the defendant has a pending charge before another judge, that case will be immediately transferred into the DV Court as well. Similarly, if a DV Court defendant subsequently is charged with an offense (of a non-felonious nature) that does not involve allegations of domestic violence, the additional case will also be referred to the DV Court. For purposes of this document, these additional cases not involving allegations of domestic violence will be deemed “companion cases.” Whenever it is feasible, the DV Court will address a defendant’s domestic violence case(s) prior to resolving any companion cases.

## **V. Docketing and Caseload Projections**

It is difficult to precisely determine what the DV Court’s caseload will be, but it is instructive to consider the number of cases involving allegations of domestic violence that were

generated in Syracuse City Court between 9/7/03 and 10/6/03. During this time period, the City Court judges arraigned 74 misdemeanor cases involving the issuance of family orders of protection. It is possible that a small portion of these cases might not have been eligible for the DV Court. Nevertheless, shortly after 10/6/03 these 74 cases were accompanied by an additional 43 companion cases (it should be noted that the number of companion cases could have increased over time, if the defendants were charged with new offenses while the underlying cases were pending). Thus, for this one month period, the DV Court would have acquired an additional 117 cases. If it is assumed that this one month period generated a typical number of cases, it can be estimated that the assigned judge would preside over 888 domestic violence cases and a total of 1404 cases each year in DV Court. While the caseload will certainly fluctuate, it can safely be assumed that the DV Court will be responsible for between 20% and 35% of all criminal cases disposed of in Syracuse City Court.

The judge assigned to the DV Court will be assigned to other parts on a rotating basis in the mornings (i.e. arraignments, traffic court, civil) and will also preside over criminal cases that do not involve allegations of domestic violence. Bearing in mind that the judge may also frequently need to schedule trials, the following is the DV Court's planned docket for each afternoon:

<b>Mondays</b>	Follow-up pretrial conferences on existing DV cases
<b>Tuesdays</b>	Initial pretrials on all newly arraigned cases DV (including judicial review of orders of protection and bail status)
<b>Wednesdays</b>	Pretrials on non-DV criminal cases
<b>Thursdays</b>	Monitoring and sentencings
<b>Fridays</b>	Additional pretrial conferences as necessary

## **VIII. Staffing**

Many of the responsibilities and tasks required by the DV Court will be identical to those found in any trial part, including those performed by in-court and back office staff. As with any regular part, a court attendant will be present at all times in order to provide courtroom security. Court attendants will be assigned to the DV Court on a rotating basis.

The unique nature of the DV Court does entail certain responsibilities that are not found in normal parts. In order to maximize efficiency and to ensure that each of these responsibilities are carried out, the position of Domestic Violence Court Coordinator has been created. The

Coordinator will be dedicated solely to the DV Court, and shall:

- A. Coordinate program planning and development for the court.
- B. Ensure quality training of clerical and administrative court personnel in domestic violence policies and procedures.
- C. Screen cases for DV Court eligibility, and modify protocols for case screening as necessary.
- D. Obtain information from off-site agencies in order to provide the DV Court Judge with up-to-date, thorough information for each court appearance, and alert the judge of any changes in status between appearances, pending agency action.
- E. Monitor the caseload to ensure timely case dispositions and compliance with any court mandates.
- F. Assist the DV Court Judge in monitoring a defendant's compliance with court mandated programs and court orders.
- G. Analyze data and prepare regular reports to measure the effectiveness of the part.
- H. Research program providers to ensure that each is fulfilling the goals and objectives of the court.
- I. Work closely with other staff members to develop and strengthen collaborations with program providers and outreach to new programs, and identify additional intervention and appropriate programs.

## **IX. Services Plan**

In domestic violence cases, service providers play an immeasurable role in assisting both defendants and complainants. It is anticipated that the primary services provider for the DV Court will be Vera House, but the assistance of other providers will certainly be necessary in certain situations, such as with women defendants or non-English speaking defendants.

Through a contract with the Office of Court Administration, Vera House will be responsible for ensuring that a complainant advocate appears in court for arraignments each weekday morning, in an effort to ensure that services are provided as early as possible. Ideally, the advocate will appear in court each morning after arraignments have already commenced, so that court support staff will have already compiled relevant information regarding the new cases to be referred to the DV Court (*see* Point V, *supra*). When appropriate, advocates will assist

complainants by making contact with social service agencies, emergency shelters, and legal services. In addition to providing general information and referrals, advocates will provide complainants with information on their cases and act as intermediaries between complainants, the DV Court Coordinator, and the District Attorney's Office.

Vera House will be responsible for delivering court-mandated programs to defendants as well. It is anticipated that many defendants will be referred to Vera House's Alternatives program. Alternatives is a 26-session domestic violence education program designed to challenge the beliefs and attitudes of men who have been abusive to their women partners. The program covers a broad range of issues, including: expanding the definition of abuse, personal responsibility, the effects of domestic violence on women and children, male socialization, the dynamics of domestic violence, the oppression of women and domestic violence, and skills for respectful relationships. It is expected that the Alternatives coordinators will maintain regular contact with the DV Court Coordinator via telephone and facsimile in order to provide updates about each defendant's status in the program.

It is anticipated that certain defendants charged with DV offenses may also be suffering from substance abuse-related problems. Syracuse City Court already has a dedicated part which presides over cases where defendants suffer from serious substance abuse problems, the Syracuse Community Treatment Court (SCTC). At the direction of the Supervising Judge for Syracuse City Court, whenever any defendant appears to have a substance abuse problem, the case may be referred to SCTC.

## **X. Judicial Monitoring of Defendants**

Judicial monitoring of defendants is a key principle of domestic violence courts. Frequent reporting decreases the likelihood of additional offenses, and reinforces the court's ability to protect the safety of complainants while holding defendants accountable at the same time.

The DV Court seeks to employ intensive judicial supervision from arraignment through disposition. The DV Court Coordinator will be an integral part of this process. The Coordinator will maintain regular contact with program providers, via telephone and facsimile, in order to determine whether defendants are satisfactorily completing their court-ordered obligations. The Coordinator will expect to be notified when a defendant is failing to satisfactorily participate in a given program. The Coordinator will also maintain contact with complainant advocates. If the Coordinator is advised that a defendant is having unauthorized contact with a complainant, the judge will immediately be notified of the allegation.

The DV Court will also dedicate the majority of its Thursday afternoon calendar to monitoring its pending cases (*see* Point V, *supra*). When appropriate, the judge will require defendants to appear in court on a regular basis (usually every 2-4 weeks) while a case is



pending, in order to ensure that conditions set by the court are not being violated. As a general rule, if a defendant is abiding by the conditions set by the court, defense counsel will not have to be present for monitoring appearances. If a defendant is not abiding by the court's conditions (violating an order of protection, not completing required programs, etc.), the defendant's attorney will be required to attend the monitoring calendar. The defendant may also be subjected to sanctions, including the possibility of incarceration. For defendants whose sentences include probation or a conditional discharge based upon compliance with specific conditions, judicial monitoring will continue post-disposition as well.

## **XI. Physical Space Plan**

The DV Court will convene each afternoon in Part II of the Criminal Courts Building. This courtroom contains two distinct conference rooms on opposite sides of the courtroom, which will ensure that defendants and complainants will be able to avoid unwanted contact. Defendants will have private space to meet with their attorneys, and complainants will have a separate space in which to wait and/or meet with victim advocates.

Given current staff shortages and budgetary constraints, it is unlikely that specific court officers will be dedicated to the DV Court. Nevertheless, it is essential that security personnel assigned to the DV Court be well versed in issues pertaining to domestic violence, in order to identify and respond to potentially volatile situations. This requirement applies to both security personnel employed by the Unified Court System (UCS) and security staff provided to the UCS by contract with Sheriffs and Police Departments.

## **XII. Implementation Task Timeline**

The following is a chronology of the efforts undertaken by the planning team in its effort to design and implement an effective domestic violence court:

September 8, 2003	Initial planning team meeting with representatives from the Center for Court Innovation
October 8, 2003	Planning team meeting, with focus on potential caseload and key principles of domestic violence courts
November 12, 2003	Planning team meeting, with focus on preparation of planning document and posting of DV Court Coordinator position
December 4-7, 2003	Judge Dougherty attended domestic violence seminar, "Enhancing Judicial Skills in Domestic

Violence Cases”, in Santa

Fe, New Mexico

January 22, 2004	Planning team attended day-long domestic violence training presented by Vera House
February 26, 2004	Planning team meeting, with focus on specific ideas for court implementation
March 15-16, 2004 Domestic White Plains, NY	DV Court Coordinator Amy Moore attended “Integrated Violence Court Training” seminar in
April 20, 2004	Planning team meeting, with focus on completion of planning document and creation of specific subcommittees
April 23, 2004	Members of planning team attended domestic violence seminar, “Building a Coordinated Community Response,” in Albany, NY
May 11, 2004	Members of planning team observed session of Buffalo City Domestic Violence Court
May 18, 2004	Planning team meeting, with report from subcommittees and focus on specific ideas for implementation
June 15, 2004	DV Court Coordinator Amy Moore and ADA Christie Caratozzolo observed session of Queens Domestic Violence Court
June 16, 2004	Final planning team meeting before beginning of DV Court

### **XIII. Evaluation**

In order to improve the efficiency and effectiveness of the DV Court, the court will rely not only on the continued participation of the members of the planning team, but on an internal review of data and other appropriate indicators. In addition, the DV Court recognizes the importance of participating in the statewide collection of relevant information. Accordingly, the following information will be collected by the DV Court Coordinator and distributed on a semi-annual basis:

1. Number of domestic violence cases heard, as well as total caseload (including companion cases)
2. Number of no-contact orders of protection issued

3. Number of modified orders of protection
4. Frequency of violations and sanctions for violations
5. Length of case until disposition
6. Number of pre-disposition and post-disposition monitoring appearances
7. Program assignments and compliance rates
8. Recidivism rates (measured by post-disposition arrests involving allegations  
domestic violence)

of